

CR # 05-1735-035

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**July 29, 2005  
Boston, MA

The Undersigned, RUTH M. MENDONCA, deposes and states under oath:

1. I am an Inspector with the United States Postal Inspection Service and have been so employed since January 2002. I was previously employed two years as a Diversion Investigator for the Drug Enforcement Administration.
2. I have received training regarding, and have investigated a number of cases involving, mail fraud, bank fraud and identity theft and fraudulent use of passports.
3. I am the lead investigator regarding activities involving BILLY NSUBUGA in connection with an account in the name of Rebecca Musoke at Key Bank, located at Albany, New York, and an account in the name of Rebecca Musoke at Citizens Bank, located at Quincy, Massachusetts.
4. The information provided in this Affidavit in Support of Criminal Complaint is derived from my personal review of the materials described, together with my personal interview with the persons identified [other than BILLY NSUBUGA, who has not been interviewed], and information provided to me by other law enforcement sources as indicated below.
5. A Post Office Box Application was filed in the name of Rebecca Musoke on August 2, 2002, for Mail Box 169, 1971 Western Avenue, Albany, NY. The address is a commercial mail receiving agency, commonly referred to as a "mail drop." Affiant has received and reviewed copies of records pertaining to the Application.
6. One of the photo identifications presented to open Mail Box 169 in Albany, NY was a purported Ugandan Passport # B263046 in the name of Rebecca Musoke. The purported Ugandan passport is dated as issued on January 2001 with an expiration date of January 2006.
7. Affiant has been advised by Maj. General Wamala, Inspector General of Police, Kampala, Uganda, that a genuine Republic of Uganda Passport, No. B263046, was issued to Rebecca Musoke on January 25, 2001 at Kampala, Uganda. He further advised that Rebecca Musoke was born on December 30, 1970. Maj. General Wamala provided a photograph of Rebecca Musoke as it was contained on the original passport issued to Rebecca Musoke by the Republic of Uganda. Affiant has determined that the Musoke photograph on the original passport is not the photograph on the purported Ugandan Passport presented to open the mail box in the name of Rebecca Musoke. Affiant has further determined that the name, issuance date and the listed date of birth on the purported passport are identical to the genuine passport issued by the Republic of

Uganda. Affiant has determined that the genuine passport and the purported passport are identical except for the replacement of the photograph of Rebecca Musoke with the photograph of BILLY NSUBUGA.

8. According to the U.S. Department of State, Bureau of Diplomatic Security, there has been no visa issued to authorize Rebecca Musoke to enter the United States.
9. The purported Ugandan Passport, as it was presented to open the Albany mail box in the name of Rebecca Musoke, actually contains the photo of BILLY NSUBUGA. Affiant has personally compared known photographs of BILLY NSUBUGA, including the Massachusetts Drivers License # S207009997 photo of BILLY NSUBUGA, a New York Drivers License #271718464 in the name of BILLY NSUBUGA and the I.N.S. Immigration file photo of BILLY NSUBUGA. Affiant determined that the photo on the purported Musoke passport is that of BILLY NSUBUGA.
10. This same purported Musoke passport was subsequently presented to open a mail drop in Somerville, MA and a Citizens Bank account at Quincy, MA, both in the name of Rebecca Musoke, as more fully described below.
11. A second photo identification presented to open Mail Box 169 in Albany, NY was a California Identification Card #A5678432 in the name of Musoke Rebecca. Affiant has determined that the photograph on the California Identification Card is that of BILLY NSUBUGA..
12. This same California Identification Card #A5678432 was subsequently presented to open a mail drop in Somerville, MA, as more fully described below.
13. The residential address listed to open Mail Box 169 was # 2B, 429 Livingston Avenue, Albany, NY. Affiant was informed by Debbie Sinnaman, property manager for the apartment building at 429 Livingston Avenue that BILLY NSUBUGA previously lived at # 2B, 429 Livingston Avenue in Albany, NY.
14. A New York Drivers License #271718464 in the name of BILLY NSUBUGA contains the photograph of BILLY NSUBUGA, together with the address of #2B, 429 Livingston Avenue in Albany, NY.
15. Records of Key Bank located in Albany, NY show that Express Checking Account No. 32580076132 was opened in the name of Rebecca Musoke on August 2, 2002. Affiant has received and reviewed records regarding the Key Bank account.
16. The Key Bank account application listed the address for Musoke as Mail Box #169, 1971 Western Avenue, Albany, NY. The account was opened with a cash deposit of \$80.00. There were no subsequent deposits to the Key Bank account.

17. A box of checks for the Express Checking Account was mailed by Key Bank to "Rebecca Musoke" at Mail Box #169, 1971 Western Avenue, Albany, NY on August 6, 2002, according to the records of Key Bank..
18. A Post Office Box Application and User Agreement was filed in the name of Musoke Rebecca on August 5, 2002, for Mail Box 264, 411A Highland Avenue, Somerville, MA. The residential address listed to open Mail Box 264 was 140 Summer Street, Somerville, MA. Affiant has received and reviewed copies of records pertaining to the Application.
19. The purported Ugandan passport referenced above in the name of Rebecca Musoke, but bearing the photograph of BILLY NSUBUGA, was presented as identification to open Mail Box 264 in Somerville, MA in the name of Musoke Rebecca.
20. The California Identification Card referenced above in the name of Musoke Rebecca, but bearing the photograph of BILLY NSUBUGA, was also presented as identification to open Mail Box 264 in Somerville, MA in the name of Musoke Rebecca.
21. The Post Office Box Application and User Agreement for Mail Box 264 in the name of a Musoke Rebecca bear the fingerprints of BILLY NSUBUGA. This was determined when the U.S. Postal Service Laboratory compared fingerprints located on the Application and Agreement to known fingerprints of BILLY NSUBUGA obtained from an I.N.S. Fingerprint Identification Card dated May 7, 1993.
22. Records of Citizens Bank show that checking account No. 1136046124 was opened at Quincy, MA in the name of Rebecca Musoke on August 16, 2002. The signature card was signed in the name of Musoke Rebecca. The account was opened with a cash deposit of \$100.
23. The application for the Citizens Bank account in the name of Rebecca Musoke listed the address for Musoke as Mail Box #264, 411-A Highland Avenue, Somerville, MA.
24. The purported Ugandan Passport referenced above in the name of Rebecca Musoke, but bearing the photograph of BILLY NSUBUGA, was presented as identification to open the Citizens Bank account in the name of Rebecca Musoke.
25. A box of checks for the account was mailed by Citizens Bank to "Rebecca Musoke" at Mail Box #264, 411-A Highland Avenue, Somerville, MA on August 22, 2002 according to the Citizens Bank Security Department.
26. On September 12, 2002 at Malden, MA, check No. 116 in the amount of \$9,724 drawn on the Key Bank Musoke account and payable to "Musoke Rebecca" was deposited into the Citizens account in the name of Rebecca Musoke.

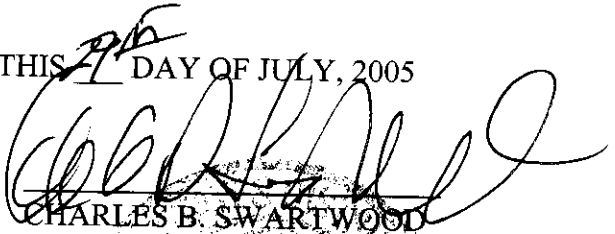
27. On September 13, 2002, check No. 101 drawn on the Citizens Musoke account was cashed to withdraw \$9,300 from Citizens Bank at Revere, MA. The check was payable to "cash" and was endorsed in the name of Rebecca Musoke. The records reflect that a Ugandan passport in the name of Rebecca Musoke was used as identification to cash the check.
28. On September 13, 2002 at Malden, MA, check No. 117 in the amount of \$9,847 drawn on the Key Bank Musoke account and payable to "Musoke Rebecca" was deposited into the Citizens account in the name of Rebecca Musoke.
29. On September 16, 2002, check No. 141 drawn on the Citizens Musoke account was cashed to withdraw \$9,500 from Citizens Bank at Revere, MA. The check was payable to "cash" and was endorsed in the name of Rebecca Musoke above the handwritten passport Number B263046.
30. On September 16, 2002, at Stoneham, MA, check No. 107 in the amount of \$21,000 drawn on the Key Bank Musoke account and payable to "Musoke Rebecca" was deposited into the Citizens account in the name of Rebecca Musoke.
31. On September 16, 2002, at Stoneham, MA, check No. 108 in the amount of \$9,040 drawn on the Key Bank Musoke account and payable to "Musoke Rebecca" was deposited into the Citizens account in the name of Rebecca Musoke.
32. On September 17, 2002, check No. 102 drawn on the Citizens Musoke account was cashed to withdraw \$19,000 from Citizens Bank at Woburn, MA. The check was payable to Rebecca Musoke and was endorsed in the name of Musoke Rebecca above the handwritten entry "Republic of Uganda passport B263046."
33. On September 17, 2002, check No. 103 drawn on the Citizens Musoke account was cashed to withdraw \$600 from Citizens Bank at Medford, MA. The check was payable to "cash" and was endorsed in the name of Rebecca Musoke above the handwritten entry "Republic of Uganda passport # B263046."
34. On September 17, 2002, Key Bank returned to Citizens Bank, as unpaid, the first check referenced above [No. 116 in the amount of \$9,724]. Citizens Bank placed a hold on any further activity in the Citizens account in the name of Rebecca Musoke. The additional Key Bank checks deposited to the Citizens Bank account have also been returned unpaid. Citizens Bank has suffered a net loss of \$39,951.12 on this account.
35. Additional checks drawn on the Key Bank account in the name of Rebecca Musoke are the subjects of ongoing investigation by Affiant, as follows:

- A. Four (4) Key bank checks payable to "Erinah Nabaale" aggregating \$28,722 were deposited between August 4 and August 19, 2002, into a Citizens Bank account established with a \$50 cash deposit on June 20, 2002, at Lynn, MA in the name of Erinah Nabaale. All Key Bank checks were returned to Citizens Bank on August 20, 2002. As the result of withdrawals from the account by checks, debit purchases and ATM activity between August 16, 2002 and August 19, 2002, Citizens Bank has suffered a net loss of \$19,744.68 on this account.
  - B. Two (2) Key Bank checks payable to "Hariat Nalubega" aggregating \$38,000 were deposited on November 6, 2002, into a Citizens Bank account established at Belmont, MA on October 19, 2002. Both checks were returned to Citizens Bank on November 12, 2002. Citizens Bank has suffered no loss on this account.
36. Based on the foregoing, Affiant submits there is probable cause to believe that BILLY NSUBUGA has committed, among other offenses:
- A. Bank Fraud in violation of 18 U.S.C. 1344, from August 16, 2002 to September 17, 2002, in connection with the Citizens Bank account in the name of Rebecca Musoke;
  - B. Mail Fraud in violation of 18 U.S.C. 1341, on August 22, 2002, in connection with the mailing of checks for the Citizens Bank account in the name of Rebecca Musoke;
  - C. Forgery or False Use of A Passport in violation of 18 U.S.C. §1543, on August 5, 2002, and August 16, 2002, in connection with the use of the falsely made, counterfeit and altered Ugandan passport in the name of Rebecca Musoke to create a mail box address at Somerville, MA and to create a Citizens Bank account at Quincy, MA;
  - D. Fraud In Connection With An Identification Document in violation of 18 U.S.C. 1028(a)(7), on August 5, 2002, and August 16, 2002, in connection with the use, without lawful authority of the government of Uganda, of a Ugandan passport issued in the name of Rebecca Musoke, such use being to commit Bank Fraud in and affecting interstate commerce.

Respectfully submitted this 29<sup>th</sup> day of July, 2005.

  
RUTH M. MENDONCA  
U. S. Postal Inspection Service

SUBSCRIBED AND SWORN TO BEFORE ME THIS 27<sup>th</sup> DAY OF JULY, 2005

  
CHARLES B. SWARTWOOD  
Chief U.S. Magistrate Judge

